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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,172	02/08/2001	Kenneth A. Franken	00F1464	1736

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EXAMINER

KE, PENG

ART UNIT PAPER NUMBER

2174

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/681,172

Applicant(s)

FRANKEN ET AL.

Examiner

Peng Ke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9, 16 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9, 16, and 20-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This action is responsive to communications: Amendment, filed on 4/30/04.

This action is final.

Claims 9, 16, and 20-24 are pending in this application. Claims 9, 16, and 20 are independent claims. In the Amendment, filed on 4/30/04, 9, 16, and 20 were amended and claims 21-24 were added.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 16 and 20-24 are rejected under 35 U.S.C. 103(a) over Lawler, US-5,758,259 in view of Shoff et al., (hereinafter Shoff) US-6,240,555.

As per claim 9, Lawler teaches an electronic programming guide system comprising:  
a computer system at a location (*interactive television system*) (Fig. 2, col. 3, lines 6-13);  
a browser displaying a guide comprising a plurality of linearly arranged tabs, where each tab is a link to one of a plurality of views (*time view, category view*) of an electronic programming guide (col. 5, lines 31-40);

wherein the guide includes a two-dimensional array of programming cells where each cell represents a different time slot associated with a different television channel (Fig. 3C, 106, 100, 104, 108; col. 5, lines 21-31);

wherein the plurality of linearly arranged tabs is disposed on a periphery of the two-dimensional array (Fig. 3C, 106); and

wherein each of said plurality of views is limited to sources of signal available at said first viewer location (It is inherent in a traditional broadcast or cable system, the sources of TV signal vary from location to location).

Lawler does not teach the step of a personal computer comprising the browser at a first viewer location, coupled to the system via a personal network;

where each of the plurality of views is associated with one of a plurality of sources of signals;

wherein at least three of said plurality of sources signal are broadcast TV, programming delivered over the internet, and satellite;

However, Shoff teaches the step of a personal computer comprising the browser at a first viewer location, coupled to the system via a personal network (integrated PC-TV system) (Fig. 4, col. 3, lines 64-67; col. 7, lines 51-60).

where each of the plurality of views is associated with one of a plurality of sources of signals; (figure 4, items 40, 46, 54, and 86)

wherein at least three of said plurality of sources signal are broadcast TV (abstract), programming delivered over the internet (col. 5, lines 22-60), and satellite (col. 4, lines 50- col. 5, lines 5);

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Lawler with Shoff's method of coupling the personal computer via a personal network in order to separate the browser from the computer system.

As per claim 16, Lawler teaches a method of displaying programming information to a view comprising the steps of:

Providing, to a user, an array of programming choices available to a viewer; (col. 5, lines 32-40)

Changing a characteristic of said array in response to a selection, made by said user, of a tab of a plurality of linearly arranged tabs disposed along a peripheral edge of said array; (periodically determined preference correlations) (col. 9, lines 12-26)

Changing display content associated with one of said plurality of linearly arranged tables as a result of prior action; (col. 9, lines 12-26; figure 3c, 106, 100, 104, 108; col. 5, lines 21-31);

Wherein said prior action further comprises a user selection among a plurality of user preferences; (col. 9, lines 12-26)

Wherein said prior action further comprises a duration characteristic of a prior viewing selection said viewer; (col. 12, lines 55-63)

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Providing location information representative of a geographic location of said viewer and changing display content associated with one of said plurality of linearly arranged tabs based upon said location information; (col. 2, lines 36-45)

Wherein each of said plurality of linearly arranged tabs is dedicated to one of plurality of sources of programming available at said geographic location. (col. 2, lines 36-45; The examiner interprets preferred programming to be a source of programming available because they do not require explicit selection by the user)

Wherein each of said plurality of linearly arranged tabs is dedicated to one of a plurality of source of programming available at said geographic location (figure 3C, item 104)

Lawler does not teach the step of a personal computer comprising the browser at a first viewer location, coupled to the system via a personal network;

where each of the plurality of views is associated with one of a plurality of sources of signals;

wherein at least three of said plurality of sources signal are broadcast TV, programming delivered over the internet, and satellite;

However, Shoff teaches the step of a personal computer comprising the browser at a first viewer location, coupled to the system via a personal network (integrated PC-TV system) (Fig. 4, col. 3, lines 64-67; col. 7, lines 51-60).

where each of the plurality of views is associated with one of a plurality of sources of signals; (figure 4, items 40, 46, 54, and 86)

wherein at least three of said plurality of sources signal are broadcast TV (abstract), programming delivered over the internet (col. 5, lines 22-60), and satellite (col. 4, lines 50- col. 5, lines 5);

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Lawler with Shoff's method of coupling the personal computer via a personal network in order to separate the browser from the computer system.

As per claim 20, it is rejected with the same rationale as claim 9. (See rejection above)

As per claim 21, Lawler and Shoff teach the method of claim 16, Shoff further teaches wherein said plurality of sources of programming comprises broadcast TV. (col. 4, lines 13-25)

As per claim 22, Lawler and Shoff teach the method of claim 21, Shoff further teaches wherein said plurality of source of programming further comprises satellite TV. (col. 4, lines 45-55)

A per claim 23, Lawler and Shoff teach the method of claim 22, Shoff further teaches wherein said plurality of programming sources further comprises internet delivered programming. (col. 5, lines 25-35)

As per claim 24, Lawler and Shoff teach the method of claim 9, Lawler teaches where said plurality of source of signals represents all video programming source available at said first viewer location. (Fig. 2, col. 3, lines 6-13) (It is inherent in a traditional broadcast or cable system, the sources of TV signal vary from location to location)

***Response to Argument***

Applicant's arguments filed on 4/30/04 have been fully considered but they are not persuasive.

Applicant's argued that Lawler and Shoff reference do not teach multiple source of programming being available on various tabs.

Examiner disagrees. The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, the claim recites "sources of programming". Lawler teaches this limitation because he displayed a list of stations that are available on various tabs and the examiner interprets stations to be sources of programming. (Column 5, lines 30-40)

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

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